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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/053,451

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BRIARCLIFF MANOR, NY 10510

EXAMINER

ANYA, CHARLES E

ART UNIT

PAPER NUMBER

2194

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/053,451

Applicant(s)

THOMAS ET AL.

Examiner

Charles E. Anya

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/28/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. Claims 1-30 are pending in this application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-6,8 and 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pub. No. 2002/0147984 A1 to Tomsen et al. in view of US. Pub. No. 2002/0152463 A1 to Dudkiewicz and further in view of Applicant admitted prior art ("Towards Music Understanding Without Separation: Segmenting Music With Correlogram Comodulation" to Scheirer: page 13 lines 21-23, page 14 lines 1 – 9: Hereinafter referred to as AAPA).**

4. As to claim 1, Tomsen teaches a method of providing alerts to sources of media content, comprising: establishing a profile corresponding to topics of interest (Information Request 502 page 8 paragraph 0085); automatically scanning the available media sources, selecting a source and extracting further from the content of the selected media source, identifying information characterizing the content of the source; comparing the further identifying information to the profile (figure 7 page 6 paragraph

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0087) and automatically scanning available media sources for a next source of media content and extracting identifying information from said next source and comparing the identifying information from said next source to the profile (page 6 paragraph 0090/0093/0094, page 7 paragraph 0105, figure 13 page 8 paragraph 01 16).

5. Tomsen is silent with respect to a profile information being at least one of time of day and location sensitive, and containing a plurality of topics of at least one of temporal and positional interest, an alert at said time of day that the selected source is available for access and extracting from the content of the selected media source via analysis of rendered content.

6. Dudkiewicz teaches a profile information being at least one of time of day and location sensitive, and containing a plurality of topics of at least one of temporal and positional interest and an alert at said time of day that the selected source is available for access (figure 7 "...Program_Date...Program_Start_Time..." page 7 paragraph 0066, View profile Profile_Activation_Time page 8 paragraph 0075), (View Profile email address/pager number page 12 paragraph 0107).

7. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dudkiewicz and Tomsen because the teaching of Dudkiewicz would improve the system of Tomsen by system for using a user profile to determine the desirability of programming event (Dudkiewicz page 2 paragraph 0023).

8. AAPA teaches to extracting from a content of a selected media source (page 14 lines 1 – 9).

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9. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of AAPA, Dudkiewicz and Tomsen because the teaching of AAPA would improve the system of Dudkiewicz and Tomsen by providing system of segmenting, analyzing signal and comparing the resultant against user's interest in a user profile/table (AAPA page 14 lines 1 – 9).

10. As to claim 2, Dudkiewicz teaches the method of claim 1, wherein the scanning and comparing steps are repeated until all available media sources are scanned (page 5 paragraph 0053).

11. As to claim 3, Tomsen teaches the method of claim 1, wherein the available sources of media include television broadcasts (page 3 paragraphs 0040-0046).

12. As to claim 4, although neither Tomsen, Kpraf and AAPA teaches the method of claim 1, wherein the available sources of media include television broadcasts and radio broadcasts, one of ordinary skill in the art at the time of the invention would have known to modify the system of Tomsen, Kpraf and AAPA to include radio broadcasts such that identifying information could be send as audio signal.

13. As to claim 5, Tomsen teaches the method of claim 1, wherein the available sources of media include television broadcasts and website information (page 3 paragraph 0046).

14. As to claim 6, Tomsen teaches the method of claim 1, wherein identifying information of video sources is extracted by extracting closed caption information from the video signal source (page 6 paragraphs 0084,0091).

15. As to claim 8, Tomsen teaches the method of claim 1, wherein the identifying information is extracted using screen text extraction (page 6 paragraph 0084).

16. As to claim 10, Tomsen teaches the method of claim 1, wherein the sources of media content are made available at a first location and a user at a second location remote from the first location accesses the available sources of media content (figure 1 page 3 paragraphs 0040 - 0050).

17. As to claim 11, Tomsen teaches the method of claim 1, wherein one or more of the available media sources are recorded or downloaded and reviewed at a later time (figure 12 page 7 paragraph 0108).

18. As to claim 12, Tomsen teaches the method of claim 1, wherein the profile includes topics of interest (Information 502 page 6 paragraph 0085-0086,0093).

19. As to claim 13, Dudkiewicz teaches the method of claim 1, wherein the profile includes topics of interest selected from the group consisting of sports, weather and traffic (figures 7/11 page 8 paragraph 0076).

20. As to claim 14, Tomsen teaches the method of claim 1, further comprising the step of activating an alert available indicator when a profile match is made (page 6 paragraph 0096).

21. As to claim 15, Tomsen, DudKiewicz and AAPA are silent with respect to the method of claim 14, wherein the profile contains a plurality of topics of interest and different topics are associated with different alert levels and the different alert levels are associated with different types of alert available indicators.

22. Dudkiewicz teaches to the method of claim 14, wherein the profile contains a plurality of topics of interest and different topics are associated with different alert levels and the different alert levels are associated with different types of alert available indicators ("Notice..." page 9 paragraph 0081).

23. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dudkiewicz, Tomsen, DudKiewicz and AAPA because the teaching of Dudkiewicz would improve the system of Tomsen, DudKiewicz and AAPA by determining how (audible or banner) and when (time) to notify/alert a user of the availability of programming event (Dudkiewicz page 9 paragraph 0081).

24. As to claim 16, Dudkiewicz teaches the method of claim 14, wherein the indicator is an audible indicator (“...audible...” page 9 paragraph 0081).

25. As to claim 17, Dudkiewicz teaches the method of claim 14, wherein the indicator is a visible indicator (“...displaying...” page 9 paragraph 008).

26. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over of U.S. Pub. No. 2002/0147984 A1 to Tomsen et al. in view of US. Pub. No. 2002/0152463 A1 to Dudkiewicz and further in view of Applicant admitted prior art (“Towards Music Understanding Without Separation: Segmenting Music With Correlogram Comodulation” to Scheirer: page 13 lines 21-23, page 14 lines 1 – 9: Hereinafter referred to as AAPA) as applied to claim 1 above, and further in view of U.S. Pub. No. 2003/0051252 A1 to Miyaoku et al.

27. As to claim 7, Tomsen and Dudkiewicz are silent with respect to the method of claim 1, wherein the identifying information is extracted using voice to text conversion processing.

28. Miyaoku teaches the method of claim 1, wherein the identifying information is extracted using voice to text conversion processing (page 17 paragraph 0364).

29. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Miyaoku, Tomsen, Dudkiewicz and

AAPA because the teaching of Miyaoku would improve the system of Tomsen, Dudkiewicz and AAPA by providing a conversation means that delivers media or video content in a language that a user wants (**Miyaoku** page 17 paragraph 0364).

30. As to claim 9, Miyaoku teaches the method of claim 1, wherein the identifying information is extracted using voice pattern or face pattern recognition (page 17 paragraph 0364).

31. Claims 18-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over US. Pub. No. 2002/0152463 A1 to Dudkiewicz in view of Applicant admitted prior art ("Towards Music Understanding Without Separation: Segmenting Music With Correlogram Comodulation" to Scheirer: page 13 lines 21-23, page 14 lines 1 – 9: Hereinafter referred to as AAPA).

32. As to claim 18, Dudkiewicz teaches a system for creating media alerts comprising: a receiver device constructed to receive and scan signals containing media content from multiple sources (Video Receiver 60 page 8 paragraph 0073); a storage device capable of receiving and storing user defined alert profile information ("...client device..." page 8 paragraph 0073); a processor linked to the receiver and constructed to extract identifying information from a plurality of scanned signals containing the media content (Data Processor 68 page 6 paragraph 0073); a comparing device constructed to compare the extracted identifying information to the user defined alert profile

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information, said profile information being at least one of time of day and location sensitive, and containing a plurality of topics of at least one of temporal and positional interest (View profile Profile_Activation_Time page 8 paragraph 0075), (View Profile email address/pager number page 12 paragraph 0107) and when a match is detected, providing an alert at said time of day that the media content available for review (page 8 paragraphs 0073/0075).

33. Dudkiewicz is silent with reference to extracting from a content of a selected media source via analysis of rendered content.

34. AAPA teaches to extracting from a content of a selected media source via analysis of rendered content (page 14 lines 1 – 9).

35. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of AAPA and Dudkiewicz because the teaching of AAPA would improve the system of Dudkiewicz by providing system of segmenting, analyzing signal and comparing the resultant against user's interest in a user profile/table (AAPA page 14 lines 1 – 9).

36. As to claim 19, Dudkiewicz teaches the system of claim 18, further comprising an alert indicator, which is activated when a match is detected ("...audile...displaying..." page 8 paragraph 0081).

37. As to claim 20. Dudkiewicz teaches the system of claim 18, wherein the receiver, processor and comparing device are constructed and arranged to scan through all

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media sources scannable by the receiver to compile a subset of available media sources for review, that match the user defined alert profile information (page 5 paragraph 0053, figure 10 page 8 paragraph 0074).

38. As to claim 21, Dudkiewicz teaches the system of claim 18, further including a computer constructed to receive the profile information and compare the profile information to the identifying information to identify matches (page 8 paragraph 0075).

39. As to claim 22, Dudkiewicz teaches the system of claim 18, wherein the receiver is constructed to receive television signals (Video Receiver 60 page 8 paragraph 0073).

40. As to claim 23, Dudkiewicz teaches the system of claim 18, wherein the receiver comprises a first tuner constructed to process television signals and the system further comprises a second tuner constructed to assist in the display of either media available for review or other media (“...RF tuner...” page 9 paragraph 0081).

41. As to claim 24, Dudkiewicz teaches the system of claim 18, comprising a tuner for processing radio signals (page 9 paragraph 0081).

42. As to claim 25, Dudkiewicz is silent with respect to the system of claim 18, comprising a web crawler, one of ordinary skill in the art at the time the invention was made would have known to implement the internet server (metadata provider 22) of

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Dudkiewicz as a web crawler such that multiple databases could be searched for matching user interested broadcast video information.

43. As to claim 26, Dudkiewicz teaches the system of claim 18, wherein the receiver, storage device, processor and comparing device are housed within a television set (page 8 paragraph 0073).

44. As to claim 27, Dudkiewicz teaches the system of claim 18, wherein the receiver storage device processor and comparing device is operatively coupled to a television set (page 8 paragraph 0073).

45. As to claim 28, Dudkiewicz teaches the system of claim 18, wherein the storage device is constructed and arranged to receive the profile information from a keyboard ("...graphical user interface..." page 8 paragraph 0076).

46. As to claim 29, Dudkiewicz teaches the system of claim 18, wherein the storage device is constructed and arranged to receive the profile information from a signal generated when a user performs selected mouse clicks ("...graphical user interface..." page 8 paragraph 0076).

47. As to claim 30, Dudkiewicz teaches the system of claim 18, wherein the storage device contains a plurality of selectable predefined alert profiles (page 10 paragraph 0083).

Response to Arguments

48. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

49. As to the double patenting rejection, the Examiner is vacating the rejection as a result of Applicant's amendment.

Conclusion

50. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E. Anya whose telephone number is (571) 272-3757. The examiner can normally be reached on M-F (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Charles E Anya
Examiner
Art Unit 2194

cea.


WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER